



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Shawn D. Jacka
BERESKIN & PARR
40 King Street West, 40th Floor
Toronto, Ontario, M5H 3Y2
Canada

In re Application of:
HAWS et al.
Application No. 09/589,758
Filed: June 09, 2000
For: AUTOMATIC ADAPTIVE
DIMENSIONING FOR CAD SOFTWARE

MAILED

JAN 10 2006

Technology Center 2100

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181
TO WITHDRAW HOLDING
OF ABANDONMENT**

This is a decision in response to the petition under 37 CFR § 1.181 requesting the withdrawal of the holding of abandonment, filed November 22, 2005, in response to a Notice of Abandonment.

The petition is **GRANTED**.

This application was held abandoned for applicant's failure to timely corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). A Notice of Abandonment was mailed on October 17, 2005.

In support of the petition, petitioner stated that (1) on 07 June 2005, applicant's representative, Mr. Shawn Jacka, called examiner Ferris and received confirmation from the examiner that the Notice of Allowability contained a clerical error and that no drawing requirements or other requirements were outstanding; and (2) the cover letter accompanying with the issue fee transmittal (PTOL-85) received in the USPTO on 01 August 2005 clearly stated that examiner Ferris confirmed that the indication on the Notice of Allowance that formal drawings were required was marked incorrectly.

A review of the application record, it reveals that a corrected drawing (Fig. 1) was submitted on 04 June 2004 and in the Office action mailed 27 August 2004, examiner Ferris did indicate that the drawing filed on 04 June 2004 was acceptable by checking the box 10a in the Office Action Summary (PTOL-326). Thus, a corrected drawing was filed timely, and the Notice of Allowability mailed on 25 May 2005 was incorrectly indicated that "Corrected drawings must be submitted pursuant to the Office action of Paper No./Mail Date 8/27/04".

Accordingly, the petition is **GRANTED**. The Notice of Abandonment mailed on 17 October 2005 is hereby withdrawal.

The application is being forwarded to the Office of Publication.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

A handwritten signature in black ink, appearing to read "Vincent N. Trans", written over a horizontal line.

Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security